IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.V.K.BALI
&
THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 18TH DECEMBER 2006 / 27TH AGRAHAYANA 1928

WP(C).No. 33530 of 2006(S)

PETITIONER:

A.S.VALSAKUMAR, S/O.APPUKUTTAN NAIR,
NO.4, KALIKA APARTMENTS,
CHERUPARAMBATH ROAD, KADAVANTHRA P O
KOCHI-682 020.

BY ADV. SRI.K.RAMAKUMAR
SRI.T.RAMPRASAD UNNI

RESPONDENTS:
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1. THE CORPORATION OF COCHIN, REPRESENTED BY
ITS SECRETARY, ERNAKULAM.

2. THE SECRETARY TO LOCAL SELF GOVERNMENT DEPARTMENT,
GOVERNMENT OF KERALA, THIRUVANANTHAPURAM.

3. THE GREATER COCHIN DEVELOPMENT AUTHORITY,
ERNAKULAM, REPRESENTED BY ITS SECRETARY.

4. THE CHIEF TOWN PLANNER, THIRUVANANTHAPURAM.

R3 BY ADV. SRI.E.G.GORDEN, SC, GCDA
R1 BY SMT.M.K.PUSHPALATHA,SC,COCHIN CORPORATION

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.K. BALI, C.J. & C.N.RAMACHANDRAN NAIR, J.

W.P.(C) No.33530 of 2006

Dated, this the 18th day of December, 2006

JUDGMENT

V.K.Bali,C.J.(Oral)

This petition under Article 226 of the Constitution of India is filed complaining about the proposed plan to implement a project known as 'Padma Sarovaram' of growing lotus and water lily plants in the saline water near Ernakulam adjoining the Sahodaran Ayyappan Road, expending public money to the tune of about 50 crores of rupees. Primarily it is the case of the petitioner that in the city of Cochin there are practically no civic amenities. There is no place to dump the disease infected waste. There is no sewage system in Cochin at all. The water supply system is totally tardy and hardly sufficient to meet the ever-growing need of the people. During rainy season several roads are under water for days together. In this scenario, when the basic amenities are not available to the public, the opening up or implementing a project known as 'Padma Sarovaram' which will expend the Corporation an amount of Rs.50 crores would be

wholly unjustified.

2. We have heard the learned counsel appearing for the parties and examined the records. In so far as the lack of civic amenities in the city of Cochin are concerned, surely, such matters have been brought to our notice by several petitions and the Court is monitoring all such matters with an endeavour to see that the citizens of Cochin may get adequate basic requirements of life. Here, however, it is not a case of not doing something by the Corporation, but that the amount which may be spent for the project can be utilised to do what is not being done. In our considered view, these are administrative matters and the Court in its jurisdiction under Article 226 of the Constitution of India would rarely interfere therein. As mentioned above, in so far as lack of civic amenities are concerned, several writs have already been filed and they are pending and we are looking into them with a view to find out a solution to the problems. The Court will also see that the Corporation has raised and spent adequate amount to make the amenities required. No occasion at all, however, arises to stay the proposed project which may attract tourists. Mr.K.Ramakumar, learned counsel for the

petitioner, however contends that it is not possible to have the project under contemplation in saline water and it will be a case of wasting the money. We only observe and direct that before the Corporation may implement the project it will have the feasibility examined by those who may be experts in the line.

With the observation/direction as made above, this writ petition is disposed of.

V.K. BALI,
CHIEF JUSTICE.

C.N.RAMACHANDRAN NAIR,
JUDGE.

vns